

EXHIBIT

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Whatcom County Sheriff's Office Bureau of Corrections Memorandum

TO: Mortality Review Team
FROM: Lieutenant Caleb Erickson
DATE: 5/22/20
SUBJECT: Summary of the In-Custody Death of Kirk Powless (18A20853)

On Thursday, June 4th, 2018 at about 11:00 hours Mr. Powless was found dead while an inmate at the Whatcom County Jail. This report will provide an overview of the experiences Mr. Powless had within the Whatcom County Jail, the timeline of the circumstances leading up to the discovery of Mr. Powless' death, staff response, Mr. Powless' medical history as it was known to the Whatcom County Jail Medical staff and information provided by Bellingham Police Detectives as a result of the death investigation.

Background Information, Custody:

Kirk Powless had been booked into our facility 14 time beginning with his first booking in December of 2002. His charges ranged from Burglary 2nd to driving offenses like DWLS 3rd. For many of those bookings Mr. Powless was held on more than one offense.

A housing check showed a pattern of initial medical housing and then moves to general population.

For his last incarceration the Bellingham Police Department presented him for booking for Identity Theft and added charges for Possession of Stolen Property 2nd, Possession of a Controlled Substance.

Background Information, Medical:

I have reviewed Mr. Powless' medical history charts both from Jail Medical and the Emergency Department at St. Joseph hospital.

The Active and Chronic Disease problem section of her chart includes the following chronic medical issues:

- Hepatitis C
- Polysubstance Abuse
- PTSD, ADHD, anxiety
- Asthma
- Elevated BP
- Poor Vision
- GERD (Gastro-esophageal Reflux Disorder)
- Dentures



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Bipolar
Urinary Retention
SI 11/13 -> OD with OC Meds & Xanax
HTN (Hypertension)
Insomnia
Depressive DIO
RCR (Rotator cuff Repair)
Severe Bipolar Disorder

Past medical screenings are largely unremarkable. No indication of suicidality or thoughts of self-harm present in any going back to 2008. There does not appear to be an indication on the last screening that Mr. Powless was uncooperative; he answered other questions about his health.

Background Summary:

The progress notes in Mr. Powless' medical charts indicate Medical staff and Mental Health documented Mr. Powless a history of suicidal ideation. Mr. Powless denied suicidal ideation when Mental Health asked him over the phone on 6/3/18 and had refused contact with nursing staff and nursing clinics for the previous encounters during that stay.

Notes from the previous booking in February of 2017 were very similar, indicating Mr. Powless refused to speak with Mental Health and said "I don't want anything to do with you guys". When Mental Health asked about suicidal ideation he said no and hung up the phone. For that encounter the Mental Health professional had to complete their evaluation without his input.

Chart notes indicate similar interactions in 2015.

In October of 2014 the chart notes indicate Mr. Powless interacted with Mental Health explaining he suffered from severe depression with impulsive drug induced suicidality, but denied any current thoughts of self-harm or suicide. He indicated he had attempted suicide about 6 times over the past year. The Mental Health professional completed a Suicide Risk Assessment with A score of 8 out of 23 possible points indicating a low to moderate risk of suicidality. This was the first and only note indicating history of suicide attempts.

In November of 2013 Mr. Powless was hospitalized for suicidal ideation. The reports from the hospital indicate he attempted to overdose on over the counter sleeping medication and later wanted to overdose on heroin but fell asleep before he could compete it.



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The social worker asked him if he really wanted to die and he said of course he didn't, he was just concerned about how to safely withdrawal from heroin. According to that report it was the first time he had attempted suicide.

Event Incarceration:

Kirk Powless was presented for booking on 5/30/2018 at about 8:15 pm by Bellingham Police for the charges of Identity Theft and Possession of Stolen Property. His medical screening was unremarkable, but he mentioned an abscess he had on his right buttock, for which he was taking antibiotics, but he did not wish to speak with medical staff. He did not mention suicidal ideation when asked, nor did he tell deputies about his history of attempting suicide. There was a note on his hard card saying he wasn't fingerprinted due to a hand injury.

He was housed right away in 2A04.

On 5/31/2018 at about 3:00 p.m. Mr. Powless went to Superior Court for the Identity Theft and Possession of Stolen Property charges. The Judge found probable cause and ordered Mr. Powless be held on \$10,000 bail for both.

Later that day Bellingham Police added an offense to Mr. Powless' booking for Possession of Controlled Substance.

On 6/1/2018 at about 3:00 p.m. Mr. Powless went to Superior Court for the Possession charge. He received a minor infraction for disobeying the deputy's order to keep quiet. His case was heard and the judge ordered Mr. Powless be held on \$10,000 bail for his offenses. Mr. Powless returned to his room after court.

On 6/4/18 at about 10:05 a.m. Mr. Powless appeared to open the door to 2A04, according to video evidence. He apparently shut the door shortly thereafter and it remained shut until about 11:06 a.m. when fellow inmates force the door open with the help of the deputies at the panel.

According to the reports of the incident, Mr. Powless apparently put his head and neck through a tee shirt with one end shut in the door and then sat down hanging himself.

At around 10:56 a.m. Deputy Matt Charrion enters the tank and walks to the stair well and to the upper tier where he pulls an inmate out of 2A10 with his belongings.

At 11:04 a.m. an inmate looks into 2A04 and points, then calls another inmate over. They look closer into the cell and then run up to the day room window 2A. They appear to be attempting to get the



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attention of the floor deputy. Another inmate attempts to pull the door open while the deputy pops the door from the panel.

At 11:06 a.m. Deputy Ignashova tells all inmate to lock down. Deputies Ignashova, Jenkins, Kimball, Fortuna and Klutts enter the tank and go to 2A04. They arrive just after 11:07 a.m.

At about 11:06 a.m. inmates force open the door to 2A04 and Mr. Powless is visible on camera sitting hunched over with a white tee shirt around his neck.

Shortly thereafter Jenkins and Ignashova move Mr. Powless out into the hallway a little way and Jenkins performs a check for signs of life.

At 11:07:44 a.m. Ignashova begins chest compressions. Klutts helps nursing staff to gain entry to 2A. Deputy Beaulieu enters 2A.

Nurse Brandon enters at 11:08 a.m.

Nurses BreAnna and Nurse Rob arrive at 11:08:35 a.m. with additional medical bags.

At 11:08:48 a.m. Brandon takes over chest compressions from Ignashova.

At 11:09:11 a.m. Nurse Kyle arrives. And shortly thereafter Deputy Hughes arrives as well followed by Deputy Bobadilla with the AED.

At 11:10:30 a.m. everyone allows the AED to analyze and no shock is advised and Kyle takes over for Brandon on chest compressions.

At 11:11:50 a.m. everyone allows the AED to analyze again and no shock is advised. Kyle continues chest compressions.

At 11:13:23 a.m. Brandon takes over for Kyle on chest compressions.

At 11:15 a.m. Kyle takes over for Brandon on chest compressions.

At 11:16 a.m. everyone allows the AED to analyze, no shock is advised and Kyle continues chest compressions.

At 11:17 a.m. Beaulieu takes over from Kyle on chest compressions.

At 11:18 a.m. Aid arrives with a gurney.



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At 11:18:35 a.m. everyone allows the AED to analyze, no shock is advised and Beaulieu continues chest compressions.

At 11:19:40 a.m. Aid takes over care. It appears they move Mr. Powless further into the hall area and continue care.

At 11:21 a.m. Lieutenant Stach and Sergeant Lovell arrive.

At about 11:28 a.m. Aid declares Mr. Powless deceased.

At 11:30 a.m. Chief Jones arrives.

At 11:37 a.m. Aid covers Mr. Powless with a sheet.

At 11:38 a.m. Aid moves Mr. Powless back into 2A04.

At 11:39 a.m. Aid leaves 2A.

Investigation:

Detective Ken Gates was assigned to investigate the in-custody death of Mr. Powless. He served as the primary liaison between the Sheriff's Office and the Bellingham Police Department who performed the investigation. Detective Sergeant Johnson, Detective Crosswhite, Officer Yoder and CSI Officer DeRuiter performed the investigation.

DeRuiter took photos of the crime scene and collected evidence including surveillance video footage.

Dr. Gary Goldfogel, the Whatcom County Medical Examiner, performed the autopsy.

The Autopsy report declares Mr. Powless died of asphyxia by ligature hanging and the manner of his death was suicide.

Follow up and after action:

Mr. Powless did not markedly change his baseline behavior from the previous to his last booking. Medical and Mental Health reached out to him but he didn't want to speak with them either time. There did not appear to be any indication in recent booking medical screenings that Mr. Powless was suicidal at the time.

A thorough review of the incident by medical, mental health and non-involved providers is in order to determine if any policy changes need to occur.